

Appl. No. 10/659,933
Amtd. Dated August 5, 2005
Reply to Office Action of May 5, 2005

Attorney Docket No. 81863.0021
Customer No.: 26021

REMARKS/ARGUMENTS

Claims 6-10 are amended. Claims 1-23 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Drawing Objections

The drawings are objected to under 37 CFR 1.83(a) on the grounds that claim 7 referred to curved surfaces labeled R₁, R₂, and R₃, which were not shown in the drawings . In response to the objection to this claim, the references to R₁, R₂, and R₃ have been deleted from amended claim 7. Withdrawal of the objection is respectfully requested.

Specification Objections

The application papers stand objected to because the copy provided is not very clear. In response, Applicant submits herewith another copy. No new matter is added.

Claim Rejections – 35 USC § 102

Claims 1-5, 7 and 20 stand rejected under 35 USC § 102 as being anticipated by Niebauer (U.S. Patent No. 5,122,017). The Applicant respectfully traverses the rejection.

The Applicant respectfully submits that Niebauer cannot anticipate or render obvious claim 1. According to present claim 1, “at least the top surface of said protrusion and said land surface serve as the contact surface when said throw-away tip is attached to a tool holder.” This enables the throw-away tip to be fastened and its seating to be stabilized.

In contrast, Niebauer fails to teach or suggest that the top surface of said protrusion and said land surface serve as the contact surface.

The Office points out that Niebauer teaches in Fig. 6 that since side land area and top surface of plateau are planar, both serve as a contact surface when attached to tool holder.

However, as shown in Fig. 3, Niebauer clearly teaches that the plateau 62 (central portion) is above the level of both the corner portion land area 26 and the side portion land area 28 (See Niebauer column 4, lines 53-55). The reason for this is that the insert embodiment is double-sided (See Niebauer column 4, lines 55-57). Therefore, the side land area and the top surface of the plateau are not at the same level. Please note that Fig. 6 and Fig. 3 quoted by the Office are both cross-section drawings of Fig. 2. Please also note that they have the same structure as Fig. 13 (a) (Prior art) of the present application.

Niebauer mentions in column 4, line 67 to column 5, line 2 that the plateau 62 should be extended toward the cutting edge 22 to provide sufficient surface area for structural support to the insert 2. However, as discussed above, since the level of the land area is lower than that of the plateau, there is the problem mentioned in the description of the present application: Applicant's specification at page 1, line 23 to page 2, line 7.

Moreover, as described in Fig. 4, Fig. 6 and column 5, lines 21-35 of Niebauer, the corner land area disclosed in Niebauer slopes down (Angle A). Due to its slope, the land area 26 cannot serve as a contact surface.

Furthermore, Niebauer states that the surface of the corner portion land area 26 may be parallel to the reference plane (Niebauer column 5, lines 21-24), but Niebauer fails to teach or suggest that the land area 26 can serve as a contact surface.

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In light of the foregoing, Applicant respectfully submits that Niebauer could not have anticipated or rendered obvious claim 1 because Niebauer fails to teach or suggest each and every claim limitation. Claims 2-5, 7, and 20 depend from claim 1 and as such cannot be anticipated or rendered obvious for at least the same reasons as claim 1. Withdrawal of the rejection and allowance of claims 2-5, 7, and 20 are respectfully requested.

Claim Rejections - 35 USC § 103

Claim 6 stands rejected as being unpatentable over Niebauer in view of Wiman et al. (U.S. Patent No. 5,897,272). Claim 6 depends from claim 1 and as such is patentable over Niebauer for the reasons discussed above. Wiman cannot remedy the defect of Niebauer and is not relied upon by the Office for such. Instead, the Office cites Wiman for teaching a cutting insert with a primary land width of 0.1 – 0.8mm. (*Wiman* Col. 2, lines 664-65).

In light of the foregoing, Applicant respectfully submits that the cited references could not have rendered claim 6 obvious, because the combination of references fails to teach or suggest each and every claim limitation. Withdrawal of this rejection and allowance of claim 6 is thus respectfully requested.

Allowable Subject Matter

Claims 14-19 and 21-23 are allowed.

Claims 8-13 stand objected to as depending from a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has amended claims 8-10 by rewriting them in independent form to include all of the limitations of the base claim and any intervening claim.

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Claims 11-13 depend from an allowable independent base claim and as such, withdrawal of the objection and allowance of claims 8-13 is respectfully requested.

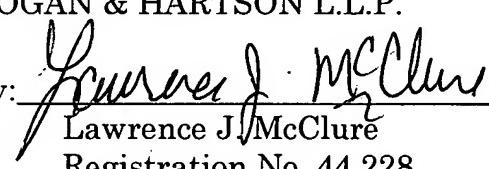
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6810 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
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Date: August 5, 2005

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